

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814



February 3, 1998

ALL COUNTY INFORMATION NOTICE NO. I-07-98

TO: ALL COUNTY WELFARE DIRECTORS

REASON FOR TRANSMITTAL

- ☐ State Law Change
- ☒ Federal Law Change
- ☐ Court Order or Settlement Agreement
- ☐ Clarification Requested by One or More Counties
- ☒ Initiated by CDSS

SUBJECT: FOOD STAMP QUESTIONS AND ANSWERS
PERSONAL RESPONSIBILITY & WORK OPPORTUNITY
RECONCILIATION ACT OF 1996, PUBLIC LAW 104-193

REFERENCES: Manual Section 63-405.221(b)(2),
All County Information Notice I-57-97

The purpose of this letter is to provide County Welfare Departments (CWDs) with answers to several questions regarding implementation of the Food Stamp Program provisions of Public Law 104-193, the Personal Responsibility and Work Opportunity Reconciliation Act (PRWORA) of 1996. These responses are based on the most current information available and may be subject to change dependent upon further information received from the United States Department of Agriculture, Food and Nutrition Service (FNS).

1. *Is it possible for a legal non-citizen to be credited with a quarter of coverage (for 40 quarters purposes) if Social Security taxes were not withheld from their wages (such as certain public employees or employees paid in cash)?*

Yes. Per guidance received from the FNS, it is possible for such non-covered earnings to be credited. If the CWD determines that the applicant is claiming earnings from non-covered employment, satisfactory evidence must be obtained that such earnings actually exist in order to be credited. The following are examples of documentation that may be accepted as satisfactory evidence:

- Taxpayers actual copy of W-2 or W-2c forms, or
- A copy of the applicant's federal or state income tax return (with photocopy of W-2, or W-2c attached), or
- Employer-prepared wage statements

CWDs should credit appropriate quarters in accordance with the Establishing Quarters chart in Manual Section 63-405.221(b)(2).

ALL COUNTY INFORMATION NOTICE

Page Two

2. *Are Cuban/Haitian entrants (as defined in Section 501(e) of the Refugee Education Assistance Act of 1980) eligible to receive food stamps?*

Yes. On August 5, 1997, the President signed Public Law 105-33, the Balanced Budget Act of 1997. It amended the PRWORA by adding Cuban/Haitian entrants to the list of aliens eligible for food stamps and establishing them as qualified aliens. They are to be treated in the same manner as refugees and are eligible for 5 years from the date granted status as Cuban/Haitian entrants. After that 5-year period, they must satisfy one of the exceptions provided in the PRWORA to remain eligible (40 quarters, veteran status, etc.).

3. *Are Amerasian immigrants (admitted pursuant to section 584 of the Foreign Operations, Export Financing, and Related Programs Appropriations Act of 1988) eligible to receive food stamps?*

Yes. The Balanced Budget Act of 1997 amended the PRWORA by establishing that the referenced Amerasian immigrants are eligible for 5 years from the date admitted as Amerasian immigrants. After the 5-year period, they must satisfy one of the exceptions contained in the PRWORA as mentioned in question #2 above.

4. *Are individuals who served in the Philippine Commonwealth Army during World War II or as Philippine Scouts following the war eligible to receive food stamps as veterans?*

Yes. The Balanced Budget Act expanded the definition of a veteran as used in the PRWORA to include both of these categories of individuals.

5. *Are Hmong and other Indochinese Highlanders who served with the U.S. military or the CIA during the Vietnam War eligible to receive food stamps as veterans?*

The Balanced Budget Act contained a "sense of Congress" statement expressing that these individuals "should" be considered veterans. However, the act contained no authority to make them eligible for food stamps outside of the exceptions provided for in the alien provisions of the PRWORA. Therefore, under current regulations, they are not eligible to receive food stamp benefits.

6. *What is the definition of "federal means-tested program"?*

A tentative definition of federal means-tested program has been provided in proposed federal regulations. However, this definition is subject to a 60-day period of comment. The programs identified are Food Stamps, Medicaid/MediCal, TANF/CalWORKS, and SSI.

WORK AND TRAINING RULES

You may need to take part in work or training activities. Your worker will look at your facts to see if the rules apply to you. Your worker will tell you what you need to do before and after your application is approved.

If you don't follow the work and training rules, and don't have a good reason, we may deny your application, change the amount of benefits you get, or disqualify you or a member of your household from getting food stamps for at least one month and as much as six months.

VOLUNTARY QUIT

If you or a member of your household quit a job without a good reason, you or that person may be disqualified for at least one month and as much as six months.

STANDARD UTILITY ALLOWANCE (SUA)

If you are billed for heating and/or cooling costs that are not included in your rent or mortgage payment, you may be eligible for the Standard Utility Allowance (SUA). The SUA is one deduction for all of your eligible utility costs. If your utility bills are more than the SUA, you may switch between actual and the SUA at recertification. If you have other utility costs but your heating or cooling costs are included in your rent, your benefits will be figured on your actual utility costs. Ask the County to check your facts to see if you are eligible for the SUA.

PENALTY WARNING

If you don't report all facts or give wrong facts to get or keep getting benefits, you can be legally prosecuted with penalties of a fine and/or imprisonment. You may be found to have committed a felony if more than \$400 is wrongly paid out in food stamp benefits because you didn't report all of your facts or changes in income, property or family status.

If your household receives food stamps, it must follow these rules:

- Don't give wrong or incomplete facts to get or keep getting food stamps.
- Don't trade or sell Food Stamp Authorization Documents (ADs) or issuance cards.

PENALTY WARNING CONTINUED:

- Don't alter ADs or issuance cards to get food stamps you are not entitled to get.
- Don't use food stamps to buy ineligible items such as alcoholic drinks or tobacco, paper or cleaning products.
- Don't use someone else's food stamps, ADs or issuance cards for your household.

DISQUALIFICATION PENALTIES

Failing to follow the rules listed can result in a finding of a Food Stamp Intentional Program Violation (IPV). The penalties for an IPV are **disqualification** as listed below **AND** can be **fines up to \$250,000 and/or jail/prison for up to 20 years**. Disqualification means not being able to get food stamps for a period of time. When you are disqualified, the penalties stop your benefits for:

- 12 months for the first violation
- 24 months for the second violation, and
- forever for the third violation.

These penalties start after a state hearing or court of law finds that an individual committed an IPV.

In addition there are **separate penalties** for other things you should not do. They are:

- If you are found guilty in any court of law of trading food coupons for controlled substances, food stamps can be stopped for 24 months for the first violation and forever for the second violation.
- If you are found guilty in any court of law of trading food stamps coupons for firearms, ammunition or explosives, food stamps can be stopped forever for the first violation.
- If you sell or trade food stamps worth \$500 or more food stamps can be stopped forever.
- If you file more than one application at the same time and give false identification or residence information, food stamps can be stopped for ten years.

Also, anyone who is accused of committing an IPV may agree to be disqualified by signing either a Disqualification Consent Agreement or an Administrative Disqualification Hearing Waiver. Anyone who signs one of these documents accepts responsibility to repay any overissuance.

CERTIFICATION

I certify that I have received a copy of the "Important Facts for Food Stamp Applicants" (DFA 285-A3). I understand my rights and responsibilities. I agree to comply with my responsibilities. I also understand the penalties for giving wrong or incomplete facts and failing to report facts or situations which may affect my eligibility for food stamp benefits.

SIGNATURE (ADULT HOUSEHOLD MEMBER OR AUTHORIZED REPRESENTATIVE):

DATE:

WITNESS, IF YOU SIGNED WITH AN "X"

DATE:

I certify that I have informed the applicant/recipient of the above responsibilities and of the possibilities of criminal penalties for intentionally making false statements or failing to report information which affects food stamp eligibility.

SIGNATURE OF INTERVIEWING WORKER

DATE APPLICATION REVIEWED WITH CLIENT OR AUTHORIZED REPRESENTATIVE:

FOOD STAMPS IMPORTANT INFORMATION

IF YOU HAVE A DISABILITY AND NEED HELP APPLYING FOR OR CONTINUING TO RECEIVE FOOD STAMP BENEFITS AND SERVICES, TELL THE COUNTY.

**The law says that all applicants/recipients for aid, benefits, or services are to be treated fairly.
If you think you have been discriminated against, contact your county's civil rights coordinator.**

WHAT IS THE FOOD STAMP PROGRAM?

It's a program that helps low-income households get more and better food than they could buy with just their money. The food stamps come from the Federal government. The Food Stamp Program rules come from Federal and State laws and regulations. The County Welfare Department uses these rules to run the program.

HOW DO I ASK FOR FOOD STAMPS?

You ask for food stamps by filling out an application form at the closest County Welfare Department office in the county where you live. The application will be for everyone in your food stamp household. In most cases, your food stamp household will be all the people who live with you. Sometimes, people who live with you buy and fix their own food. If they do, they may be able to be in their own food stamp household. They would have to fill out their own application form if they want food stamps.

You can also ask for medical benefits and most types of cash aid at the same time by using the same form. If you are asking for your county's local cash aid (i.e., General Relief or General Assistance), you will need to use a different application form. After you turn in your application form, the county will set up a time for you to talk to a worker. Most of the time, you will be able to talk to the same worker about cash aid.

If you need food stamps right away because you do not have much money, you may get food stamps sooner. This is called "Expedited Service." If you meet the rules for Expedited Service, you can get food stamps within three (3) days from the date you turned in your application form.

WHAT WILL THE COUNTY ASK ME TO DO?

Your worker will need to know certain facts to find out if you meet all of the rules. You will need to give your worker proof of some of these facts. You will need to give to your worker new proof anytime the facts change and proof of your earnings each month. Your worker will tell you which facts need proof. If you don't give your worker the facts or proof, your worker may have no choice but to deny or stop your food stamps until you do all that you can to get the facts or proof.

If you need help in getting the proof, your worker will help you get it or tell you if there is another way you can show proof.

WHAT ARE SOME OF THE RULES THAT I HAVE TO MEET TO GET FOOD STAMPS?

Here are some of the rules that everyone has to meet to get food stamps. There are others, but your worker will tell you about them. How many of the other rules apply to you will depend on your situation.

- **Social Security Number (SSN):** Everyone, even babies, must have an SSN. If someone in your household doesn't have one, you must do all you can to help that person get one.
- **Live in the County:** You must live in the county where you are asking for food stamps. If you move to a different county and still want food stamps, you will have to ask for them again in the new county.
- **Citizenship:** To get food stamps, you must be a U.S. Citizen or U.S. National. If you are a non-citizen and in this country legally, you may get food stamps **ONLY IF** you have worked 10 years (forty quarters) **OR** you are on active duty in the U.S. military **OR** you are an honorably discharged U.S. military veteran, **OR** you are the parent, child, or spouse of someone who has either worked 10 years or has the U.S. military connection. If you are an asylee, refugee or are under stay of deportation for certain reasons, **AND** you have been in this country for less than five years, you may be eligible without work history or military connection. If you are under the age of 18 or 65 and over you may be eligible for state food stamps if you are a legal non-citizen.
- **Register for Work:** Most household members between the ages of 18 and 60 who are able to, but are not working, must register for work. A single parent with children under six does not have to register. Some 16 and 17 year old household members may need to register. A household member who doesn't register can have their food stamps stopped. Once you are registered for work you must follow food stamp rules or your food stamps can be stopped. Able bodied adults between ages 18 and 50, who do not have any children or dependents, will have to work at least 20 hours a week or be in certain kinds of work activities or they will not be eligible for more than two three-month periods in thirty-six months. Once they have used their three months of food stamps they cannot get food stamps again during the thirty-six months, unless they do work or are in work activities.

SEE OTHER SIDE FOR MORE INFORMATION

RULES (Cont.)

- **Monthly Report:** Most households getting food stamps must send in a report to the county each month. This report is called the "Monthly Eligibility Report" (CA 7) or "Monthly Eligibility/Status Report" (SAWS 7). It must be all filled in and turned in on time or your food stamps could be lowered or stopped. If your household does not have to turn in a CA 7 or SAWS 7, you still have to report within 10 days any changes in your situation or any change of \$25.00 or more in income. These changes can be reported by either calling or writing to your worker or by completing a Food Stamp Household Change Report (DFA 377.5). If all of these changes are not reported, your food stamps can be stopped. The county will tell you how you must report.
- **Property Limit:** There is a \$2,000.00 limit on the amount of property (e.g., bank accounts, stocks, etc.) that your household can have and still get food stamps. If someone in your household is at least 60 years old, the limit goes up to \$3,000.00. Your house and furniture are not part of the total limit as long as you live in your home. The individual vehicle value limit is \$4650. If you have only one vehicle which is registered, and it has a value of less than \$4650, it will not be counted as part of the limit. If your vehicle is worth more than \$4650, anything over the limit will be used as part of the total property limit to determine eligibility, unless the vehicle is needed by the household for certain reasons. Your worker can tell you what these are. If you have a vehicle that is unregistered, its value will be figured differently and your worker can explain how for you.
- **Amount of Food Stamps:** Federal law sets a limit on the amount of food stamps a household can get each month. This amount depends on the size of your household. If your household has income, the amount of that income left after giving certain deductions will be used to figure out the amount of food stamps you can get. A household cannot get food stamps if it has income that is more than the limit set for its size. If you ever get too many food stamps, you may have to pay back the extra amount that you should not have gotten. This is called an "overissuance." Overissuances have to be paid back, even if it wasn't your fault that it happened. In most cases, you will have some food stamps taken away each month until the overissuance is all paid back. The county will tell you if you have an overissuance and how it can be repaid.
- **College or Junior College Students:** Only students who are working, OR are disabled, OR are parents of young children, OR are getting cash aid, OR are over the age of 50, can get food stamps.

There are other rules which your worker will tell you about. If you do not understand a rule, ask your worker to explain it to you. It is important that you understand all of the rules so that you can get all of the food stamps your household should be getting.

HOW DO I GET THE FOOD STAMPS?

Some counties mail the food stamp coupon books to you. Other counties will send you a "plastic issuance card" or an "authorization form" to be used with an identification card to get the food stamp coupon books from an issuance outlet. Your worker will tell you which method is used and how you will be able to get your food stamp coupon books. If your authorization form or food stamp coupon books are lost, stolen or destroyed, call your worker right away. You may be able to get them replaced.

HOW DO I USE THE FOOD STAMPS AFTER I GET THEM?

Sign the food stamp coupon books when you get them. This will make it easier to trace if they are lost and turned in. Keep the food stamps in the books until you are ready to pay for your food. Stores will not take \$5 or \$10 food stamps if they are not together with the food stamp coupon book that has the same serial number that is on the food stamps. Stores will take loose \$1 food stamps.

You can use food stamps to buy almost all foods, even seeds or plants to grow your own food. Sales tax will not be added to the price of any item you buy with food stamps.

You cannot use food stamps to buy alcohol or tobacco products, pet food, some already cooked food, or non-food items (like toothpaste, soap, or paper towels).

ALL COUNTY INFORMATION NOTICE

Page Three

7. *Are the non-citizen children of naturalized citizens eligible to receive federal food stamp benefits?*

FNS has recently indicated that until a certificate of naturalization is actually issued, a child cannot be considered eligible for federal food stamp benefits. However, CWDs should provide the non-citizen children of naturalized parents (or of a parent having legal custody) with benefits under the California Food Assistance Program.

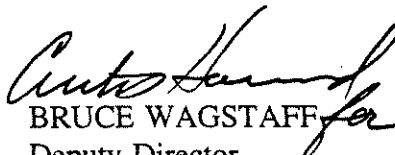
8. *40 Quarters case situation: A person earns \$5,000 in July, 1997 and is credited by Social Security for 4 quarters for that year. No other income is earned for the year. This person receives public assistance for one month only (September, 1997). Since all of their earnings were received in a quarter in which they received public assistance, can they be credited for any work quarters for that year?*

CWDs are to rely on the Social Security Administration (SSA) automated system in determining 40 quarters whenever possible. SSA has indicated that this person would be credited with 4 quarters of coverage for 1997. The PRWORA mandates that no quarter may be credited if the applicant/recipient received benefits from a means-tested public assistance program during that quarter. In this example, the individual could not be credited with a quarter of coverage for the third quarter due to receipt of public assistance in September. Therefore, the CWD should allow a credit for the first, second, and fourth quarters of 1997 (if the quarters have ended).

9. *Is the Consent for Release of Information form required to access Quarters of Coverage Information from SSA in any circumstance?*

No. The Balanced Budget Act provided the authority for the SSA to release quarters of coverage information to another public agency without a signed consent form in all circumstances.

If you have any questions or require further assistance, please contact Alan Rowe of the Food Stamp Program Bureau at (916) 653-5208.


BRUCE WAGSTAFF
Deputy Director
Welfare to Work Division